

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chanan Berkovits	Team: Team # 8	CCRB Case #: 200810322	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 07/19/2008 3:05 PM	Location of Incident: 2180 Webster Avenue	Precinct: 48	18 Mo. SOL 1/19/2010	EO SOL 1/19/2010	
Date/Time CV Reported Sat, 07/19/2008 7:34 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 07/19/2008 7:34 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Oliva Carvajal	20401	938182	048 PCT
2. SGT Juanita Mills	04219	913647	048 PCT
3. POM Bekim Vucetaj	01270	942679	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Oliva Carvajal	Abuse: PO Oliva Carvajal threatened to arrest § 87(2)(b) [REDACTED]	
B.POF Oliva Carvajal	Abuse: PO Oliva Carvajal refused to provide her name and shield number to § 87(2)(b) [REDACTED]	
C.POM Bekim Vucetaj	Abuse: PO Bekim Vucetaj did not process § 87(2)(b) [REDACTED]'s complaint regarding an officer.	
D.SGT Juanita Mills	Abuse: Sgt. Juanita Mills did not process § 87(2)(b) [REDACTED]'s complaint regarding an officer.	

Synopsis

On July 19, 2008, at approximately 3:05 PM, § 87(2)(b) called 911 to request police assistance with a dispute his friend, § 87(2)(b) was having with a mechanic, who refused to release her car until she had paid him for examining it. PO Carvajal and PO Rodriguez of the 48th precinct arrived, and PO Carvajal informed § 87(2)(b) that the police could not get involved in financial disputes. § 87(2)(b) was dissatisfied with PO Carvajal's handling of the situation. PO Carvajal requested § 87(2)(b) identification, and § 87(2)(b) asked why she needed to provide it. PO Carvajal told § 87(2)(b) "If you don't give me your ID, I will lock you up" (**Allegation A**). § 87(2)(b) provided her identification and PO Carvajal issued her a summons for § 87(2)(b). § 87(2)(b) asked for PO Carvajal's name and shield number. PO Carvajal said that that information was on the summons and left (**Allegation B**). Unable to read the summons, § 87(2)(b) and § 87(2)(b) went to the 48th precinct stationhouse and asked PO Vucetaj of the 48th precinct for PO Carvajal's name. § 87(2)(b) also asked to file a civilian complaint against PO Carvajal. PO Vucetaj told § 87(2)(b) and § 87(2)(b) PO Carvajal's name but never took their complaint (**Allegation C**). Sgt. Mills of the 48th precinct asked § 87(2)(b) and § 87(2)(b) to leave. § 87(2)(b) and § 87(2)(b) left. § 87(2)(b) was not allowed to file her complaint at the precinct (**Allegation D**).

§ 87(2)(g)

Mediation was offered to § 87(2)(b) at the time of her interview. § 87(2)(b) rejected the mediation process.

Summary of Complaint

§ 87(2)(b)

§ 87(2)(b) is § 87(2)(b) old. She is a black female who stands 5'8'' tall, weighs 125 pounds, and has brown hair and brown eyes. § 87(2)(b) filed a complaint with the CCRB via the call processing system on July 19, 2008 (encl. 6a-6b). Also on July 19, 2008, § 87(2)(b) filed a duplicate complaint at the 45th precinct stationhouse on behalf of § 87(2)(b) (encl. 5a-5b). This complaint was received by the CCRB on July 23, 2008. § 87(2)(b) provided a brief telephone statement July 28, 2008 (encl. 7). § 87(2)(b) was interviewed at the CCRB on July 31, 2008 (encl. 8a-8h).

On July 19, 2008, at approximately 3:05 PM, § 87(2)(b) and her friend, § 87(2)(b) drove § 87(2)(b) car to an auto mechanic, located at 2180 Webster Avenue in the Bronx, in order to get its air-conditioning fixed. § 87(2)(b) explained the problem to the mechanic and waited for 20-30 minutes while he looked at the air-conditioning. When the mechanic informed § 87(2)(b) of what it would cost to repair her car, § 87(2)(b) was unwilling to pay the price, so she said she would take her car elsewhere. The mechanic refused to return § 87(2)(b) car keys until she paid him \$40 for examining her car. § 87(2)(b) protested this charge because she had not been informed of it when she initially brought in the car. Since the mechanic refused to release the car, § 87(2)(b) asked § 87(2)(b) to call 911. § 87(2)(b) and § 87(2)(b) exited the mechanic shop, and § 87(2)(b) called 911 from the sidewalk.

Approximately five minutes after § 87(2)(b) called 911, two uniformed officers arrived in a patrol car. PO1, identified through investigation as PO Oliva Carvajal of the 48th precinct, was in the passenger seat. PO Carvajal was a Hispanic female, in her late 30s, who stood approximately 5'8"-5'9" tall, weighed

approximately 150 pounds, had brown eyes, and wore her hair in a ponytail. PO2, the driver, identified through investigation as PO R Rodriguez of the 48th precinct, was a short white male, in his 40s, with black hair and blue eyes, and weighing approximately 200 pounds. § 87(2)(b) went to the passenger-side window and began speaking to PO Carvajal. Meanwhile, § 87(2)(b) stayed on the sidewalk and attempted to call her § 87(2)(b) who is a police officer. When her § 87(2)(b) did not answer the phone, § 87(2)(b) approached the passenger side of the police vehicle and explained her problem to PO Carvajal. PO Carvajal said, "There's nothing I can do," and suggested that § 87(2)(b) return when she had enough money to release her car. Explaining that her § 87(2)(b) is a police officer, § 87(2)(b) showed PO Carvajal her PBA card, but PO Carvajal did not care about the card. § 87(2)(b) said that her problem was not that she could not afford to pay the \$40 but rather that she felt the mechanic was trying to extort the money from her. PO Carvajal suggested that § 87(2)(b) sue the mechanic for \$40. Frustrated, § 87(2)(b) walked away to try and call her § 87(2)(b) again. § 87(2)(b) resumed speaking with PO Carvajal.

Again unable to reach her § 87(2)(b) § 87(2)(b) returned to the passenger side of the police vehicle and again tried to explain her problem. PO Carvajal responded by making an analogy which § 87(2)(b) did not understand. When PO Carvajal began a second, equally confusing, analogy, § 87(2)(b) turned around and walked back across the sidewalk towards the mechanic shop. As she walked away, § 87(2)(b) could not hear what PO Carvajal was saying. § 87(2)(b) was approximately 4-5 feet away from the police vehicle and tried to call her § 87(2)(b) again when PO Carvajal exited her vehicle, approached § 87(2)(b) from behind, and asked for her identification. After turning around, § 87(2)(b) asked why PO Carvajal needed her identification. PO Carvajal responded, "If you don't give me your ID, I'm going to lock you up" (**Allegation A**). § 87(2)(b) gave her identification to PO Carvajal who took it back to her vehicle and began writing a summons. § 87(2)(b) then instructed § 87(2)(b) to pay the \$40 to release her car.

While she waited for § 87(2)(b) to get her car, § 87(2)(b) called a friend of hers. § 87(2)(b) friend on the phone told her to ask for PO Carvajal's name and shield number. After § 87(2)(b) was off the phone, and after her car was brought outside, § 87(2)(b) and § 87(2)(b) approached the passenger side of the police vehicle again. § 87(2)(b) asked PO Carvajal why she was writing a summons, but PO Carvajal did not answer. § 87(2)(b) asked what precinct the officers were from and PO Rodriguez told her the 48th precinct. PO Carvajal handed § 87(2)(b) identification and a noncompliance summons for § 87(2)(b) to § 87(2)(b). When § 87(2)(b) asked for PO Carvajal's name and shield number, PO Carvajal replied that it was on the summons and drove away (**Allegation B**). § 87(2)(b) tried to take down the car number which may have been 113. Upon looking at the summons, § 87(2)(b) discovered that PO Carvajal's name and tax number were unreadable.

§ 87(2)(b) and § 87(2)(b) went to the 48th precinct to file a complaint against PO Carvajal. When they arrived, they found PO Carvajal talking to a group of other officers. Upon seeing § 87(2)(b) and § 87(2)(b) PO Carvajal said, "There y'all go" thus suggesting that she had been talking about § 87(2)(b) and § 87(2)(b) with the other officers. The officer at the front desk put his head down and would not help § 87(2)(b). Eventually, another officer came forward to assist § 87(2)(b). PO3, identified through investigation as PO Bekim Vucetaj of the 48th precinct, was a white male with black hair and blue eyes who stood approximately 5'6''-5'7'' tall. After § 87(2)(b) explained her problem and that her § 87(2)(b) was a police officer, PO Vucetaj asked for her brother's phone number, which she provided. § 87(2)(b) asked PO Vucetaj for PO Carvajal's name and shield number and requested to file a civilian complaint. PO Vucetaj went to the back and returned with a piece of paper on which was written PO Carvajal's name. PO Vucetaj read PO Carvajal's tax number off a copy of the summons which § 87(2)(b) had received, but he would not write the number down. § 87(2)(b) asked again for PO Carvajal's shield number. PO4, identified through investigation as Sgt. Juanita Mills of the 48th precinct, a black female in her 40s with black hair down to her ears, who stood approximately 5'6''-5'7'' tall, weighed approximately 170-180 pounds, and whose uniform stripes indicated she was a sergeant, called to § 87(2)(b) from across the room in a hostile tone. Sgt. Mills said, "That's all you need. I'm Sergeant Mills." § 87(2)(b) and § 87(2)(b) left the 48th precinct having never been allowed to file a complaint, an oversight which § 87(2)(b) believe was intentional (**Allegations C and D**).

§ 87(2)(b)

§ 87(2)(b) is § 87(2)(b) old. He is a black male who is 5'11" tall, weighs 215 pounds, and has black hair and blue eyes. On July 19, 2008, § 87(2)(b) filed a complaint at the 45th precinct stationhouse on behalf of § 87(2)(b) (encl. 5a-5b). This complaint was received by the CCRB on July 23, 2008. § 87(2)(b) provided a brief telephone statement on July 24, 2008 (encl. 9). § 87(2)(b) was interviewed at the CCRB on July 31, 2008 (encl. 10a-10e). § 87(2)(b) provided additional information on December 2, 2008 (encl. 10c).

On July 19, 2008, at approximately 3:05 PM, § 87(2)(b) went with his friend, § 87(2)(b) to take her car to a mechanic. After looking at the vehicle, the mechanic told § 87(2)(b) to pay him \$40 for his services. § 87(2)(b) unwilling to pay this charge, decided to call the police for assistance.

§ 87(2)(b) called 911 (encl. 11) and said that he was in the Great Bear Auto Shop located at the 2180 Webster Avenue. § 87(2)(b) said that his girlfriend brought her car to that establishment to be fixed. The mechanics did not do any work but were still demanding \$35 to release her car keys, a fee of which she was never informed and to which she never agreed. § 87(2)(b) provided his last name and the phone number.

Approximately 10-15 minutes after § 87(2)(b) called 911, two uniformed officers arrived in a patrol car. PO1, identified through investigation as PO Oliva Carvajal of the 48th precinct, was in the passenger seat. PO Carvajal was a Hispanic female in her late 20s to early 30s, who stood approximately 5'5"-5'6" tall, weighed approximately 115-120 pounds, and had black hair tied in a ponytail. PO2, the driver, identified through investigation as PO R Rodriguez of the 48th precinct, was a white male with black hair. § 87(2)(b) approached the passenger side of the police vehicle, said he was the one who called 911, and explained the situation to PO Carvajal. PO Carvajal suggested that § 87(2)(b) either return for the car when he could afford to pay \$40 or take the mechanic to court for the money. § 87(2)(b) decided to simply pay the money for the release of the car. Meanwhile, § 87(2)(b) had been on the phone during § 87(2)(b) and PO Carvajal's conversation.

§ 87(2)(b) entered the mechanic shop and paid for the release of the car. When § 87(2)(b) came back outside, he saw § 87(2)(b) standing on the passenger side of the police vehicle, speaking with PO Carvajal. PO Carvajal was explaining an analogy for § 87(2)(b) situation. Since § 87(2)(b) was the individual who had initially called the police, he felt obligated to listen to PO Carvajal. However, when PO Carvajal began explaining a second analogy, § 87(2)(b) walked away from the police vehicle. PO Carvajal then said to PO Rodriguez, "I should lock her up. § 87(2)(b) ran after § 87(2)(b) to warn her about what PO Carvajal had said, but PO Carvajal exited her vehicle and followed § 87(2)(b) down the sidewalk a few feet to § 87(2)(b). § 87(2)(b) listened as PO Carvajal asked § 87(2)(b) for her identification. § 87(2)(b) handed PO Carvajal her driver's license and her PBA card. PO Carvajal stated that she did not care about § 87(2)(b) PBA card, took § 87(2)(b) license back to her vehicle, and began writing a summons. § 87(2)(b) and § 87(2)(b) also walked back to the police vehicle. When she had completed the summons, PO Carvajal handed it and § 87(2)(b) driver's license to § 87(2)(b). § 87(2)(b) looked at the summons and saw that it was for non-compliance; however, he could not read the officer's name and tax number because they were written too lightly. § 87(2)(b) asked for PO Carvajal's name and shield number. § 87(2)(b) immediately repeated the request. PO Carvajal replied that it was on the summons and drove away (**Allegation B**).

Determining PO Carvajal's command from the summons, § 87(2)(b) and § 87(2)(b) went to the 48th precinct to file a complaint. When § 87(2)(b) and § 87(2)(b) arrived they saw PO Carvajal talking to another officer. Upon seeing § 87(2)(b) and § 87(2)(b) PO Carvajal remarked, "There y'all go" indicating that she had been discussing § 87(2)(b) and § 87(2)(b) with the other officer. § 87(2)(b) went to PO3, identified through investigation as PO Bekim Vucetaj of the 48th precinct, who was working behind the desk, and explained the earlier incident with PO Carvajal. § 87(2)(b) asked PO Vucetaj for PO Carvajal's name and shield number and requested to file a complaint. § 87(2)(b) also asked for PO Carvajal's name and shield number. § 87(2)(b) and § 87(2)(b) informed PO Vucetaj that § 87(2)(b) is a police officer and gave PO Vucetaj his name and phone number, but PO Vucetaj never

contacted him. PO Vucetaj went to confer with other officers in the back of the station and returned to the desk with PO Carvajal's name on a piece of paper. PO Vucetaj said he could only provide the name. § 87(2)(b) asked if he really could not get any more assistance. An officer across the room, identified through investigation as Sgt. Juanita Mills of the 48th precinct, stood up and shouted to them, "That's all you need. Have a nice day. I'm sergeant Mills." § 87(2)(b) and § 87(2)(b) then left the 48th precinct without ever filing a complaint (**Allegations C and D**).

Results of Investigation

Police Officer Statements:

PO Oliva Carvajal

PO Oliva Carvajal is § 87(2)(b) old. She is a Hispanic female who stands 5'8'' tall, weighs 155 pounds, and has black hair and brown eyes. PO Carvajal is assigned to the 48th precinct and has been a member of the service for three years. PO Carvajal was interviewed at the CCRB on December 15, 2008 (encl. 14a-14b). On the day of the incident, PO Carvajal worked from 7:00 AM to 3:40 PM with PO Rodriguez. They were assigned to sector patrol, dressed in uniform, and working in a patrol car. PO Carvajal did not have her memo book with her at the time of her interview; however, a copy of her memo book obtained from Internal Affairs (encl. 13a-13b) has the following entries from the day of the incident. At 3:10 PM, PO Carvajal responded to a dispute at 2180 Webster Avenue. At 3:20 PM, PO Carvajal corrected a non-crime and referred that non-crime to another agency. PO Carvajal noted, "Female black stated she was going to break A/O face. Used foul/offensive language. Summons issued for § 87(2)(b)"

On July 19, 2008, at approximately 3:05 PM, PO Carvajal responded to a dispute between a customer and a store owner at 2180 Webster Avenue. The customer, § 87(2)(b) was arguing with the owner of a mechanic shop because, while the mechanic had not fixed § 87(2)(b) car, he had assessed the damage to it, and § 87(2)(b) did not want to pay for that service. After hearing § 87(2)(b) side of the story, PO Carvajal exited the vehicle and went into the store to speak with the owner to see if he would work with § 87(2)(b) to resolve their dispute. PO Carvajal returned to her vehicle and explained to § 87(2)(b) that the police could not involve themselves in financial matters. PO Carvajal advised § 87(2)(b) to take her complaint to the Better Business Bureau or to leave her car with the mechanic and come back for it when she was prepared to pay for the service. § 87(2)(b) became agitated and expressed a desire to take her vehicle. At some point during her conversation with § 87(2)(b) (PO Carvajal could not recall when), PO Carvajal instructed § 87(2)(b) to "please leave," but § 87(2)(b) refused to do so. PO Carvajal asked § 87(2)(b) "Can I please have your ID?" PO Carvajal asked for § 87(2)(b) identification so that she could issue a summons for failing to comply with an officer's order. § 87(2)(b) asked why she should provide her identification. § 87(2)(b) said that she did not have to do so. PO Carvajal explained that she needed § 87(2)(b) identification because PO Carvajal had asked § 87(2)(b) to leave and § 87(2)(b) had refused. PO Carvajal also explained that § 87(2)(b) was being disorderly.

§ 87(2)(b) stated that she was going to take her car without paying. PO Carvajal informed § 87(2)(b) that if she did so, her actions would be considered theft of service and it would be lawful to arrest her. § 87(2)(b) replied, "Why don't you get out of the fucking car so I can punch you in your fucking face?" PO Carvajal again asked for § 87(2)(b) identification. PO Carvajal issued § 87(2)(b) a summons. § 87(2)(b) asked for PO Carvajal's name and shield number, and PO Carvajal said them aloud. PO Carvajal could not recall if, during the incident, any civilians informed her that they could not read the summons.

PO Carvajal never threatened to arrest § 87(2)(b) PO Carvajal simply stated that if § 87(2)(b) took her car without paying, her actions would constitute theft of service, and therefore, she could be lawfully arrested. PO Rodriguez never threatened to arrest § 87(2)(b) PO Carvajal never told PO Rodriguez that she would arrest § 87(2)(b) although she did explain the above correlation between theft of service and lawful arrest. PO Carvajal described § 87(2)(b) demeanor as agitated and angry that she could not take car and that she was issued a summons. PO Carvajal was used to handling these sorts of incidents, so she

remained professional throughout. If PO Carvajal raised her voice it was only in an attempt to make § 87(2)(b) comply with an order.

Sgt. Juanita Mills

Sgt Juanita Mills is § 87(2)(b) old. She is a black female who stands 5'5" tall, weighs 185 pounds, and has black hair and brown eyes. Sgt. Mills is assigned to the 48th precinct and has been a member of the service for 18 years. Sgt Mills was interviewed at the CCRB on December 15, 2008 (encl. 15a-15b). On the day of the incident, Sgt. Mills worked from 6:55 AM to 3:52 PM. Sgt. Mills was assigned as the desk officer, and therefore, she was dressed in uniform and working alone. Sgt. Mills had no memo book entries regarding this incident because she was the desk officer that day.

Sgt. Mills had no independent recollection of what she was doing at the time of the incident. At the time of her interview, Sgt. Mills was shown photos of § 87(2)(b) and § 87(2)(b). The individuals in those photos were not familiar to Sgt. Mills. Also at the time of her interview, the details of the incident were explained to Sgt Mills. Most of the details were unfamiliar to her, although she did eventually recall interacting with two civilians at the stationhouse that day.

On July 19, 2008, at approximately 3:05 PM, two individuals, known to the CCRB as § 87(2)(b) and § 87(2)(b) arrived at the 48th precinct stationhouse and approached Sgt. Mills. § 87(2)(b) and § 87(2)(b) requested that Sgt. Mills dismiss a summons which they had been issued. Sgt. Mills explained to § 87(2)(b) and § 87(2)(b) that she could not dismiss the summons because she was not present when it had been issued. Sgt. Mills referred § 87(2)(b) and § 87(2)(b) to court. Sgt. Mills stated that had she been present when the summons was issued and found that it was somehow in error, she would have had the error corrected and a new summons issued. However, since she had not been present for the issuing of the summons, and the summons did not appear to be in error, Sgt. Mills could not dismiss it.

Sgt. Mills could not recall anything else that § 87(2)(b) and § 87(2)(b) said or did other than requesting that their summons be dismissed. Sgt. Mills could not recall § 87(2)(b) or § 87(2)(b)'s demeanor while they were at the stationhouse. Sgt. Mills did not recall § 87(2)(b) or § 87(2)(b) interacting with any other officers at the stationhouse. § 87(2)(b) and § 87(2)(b) never asked to file a civilian complaint.

PO Bekim Vucetaj

PO Bekim Vucetaj is § 87(2)(b) old. He is a white male who stands 5'11" tall, weighs 200 pounds, and has black hair and brown eyes. PO Vucetaj is assigned to the 48th precinct and has been a member of the service for two years. PO Vucetaj was interviewed at the CCRB on February 13, 2009(encl. 17a-17b). On the day of the incident, PO Vucetaj worked from 11:25 AM to 8:00 PM. He was assigned to stationhouse security, the responsibilities of which are to assist the desk officer, to answer phones, and to take complaints. PO Vucetaj was dressed in uniform and working by himself. PO Vucetaj's memo book entry (encl. 16a-16b) from the day of the incident notes that at 3:45 PM, a female civilian and a male civilian came to the stationhouse and demanded the name of the officer that issued them a § 87(2)(b) summons. After they were provided with the information, the desk sergeant asked PO Vucetaj to escort them out.

On July 19, 2008, at approximately 3:45 PM, two individuals, known to the CCRB as § 87(2)(b) and § 87(2)(b) arrived at the 48th precinct and demanded the name and shield number of an officer with whom they had had an incident in the field. § 87(2)(b) was very belligerent. She raised her voice and waved a summons at PO Vucetaj. § 87(2)(b) repeatedly stated that her § 87(2)(b) was a police officer and that he would "take care of" her summons. PO Vucetaj did not know with which officer § 87(2)(b) and § 87(2)(b) had interacted. Since it was near the end of the tour, PO Vucetaj instructed § 87(2)(b) and § 87(2)(b) to sit down and wait until the officer they were asking about returned to the stationhouse.

A female officer, identified through investigation as PO Oliva Carvajal, entered the stationhouse, and § 87(2)(b) identified her as the officer about whom she was inquiring. PO Vucetaj informed PO Carvajal that § 87(2)(b) was requesting her name and shield number. PO Carvajal wrote that information on a piece of paper. PO Vucetaj provided the piece of paper to § 87(2)(b) and showed her where on the summons the same information could be found. § 87(2)(b) asked "Where is the CCRB number because I'm going to file a complaint against you all." PO Vucetaj pointed to a large sign with the CCRB telephone printed on it posted near the stationhouse's front door, and informed § 87(2)(b) that the number was behind her. PO Vucetaj's commanding sergeant, identified through investigation as Sgt. Juanita Mills, asked § 87(2)(b) and § 87(2)(b) to leave because they were being excessively loud, and PO Vucetaj told § 87(2)(b) and § 87(2)(b) "You have to leave now. You have all the information." § 87(2)(b) asked PO Vucetaj for his name and shield number, and he provided that information. § 87(2)(b) told § 87(2)(b) to write down PO Vucetaj's name and shield number. Sgt Mills asked § 87(2)(b) and § 87(2)(b) if there was anything else they needed, and they told her that there was not. Sgt Mills asked § 87(2)(b) and § 87(2)(b) to leave again, and PO Vucetaj escorted them out. § 87(2)(b) and § 87(2)(b) were at the stationhouse for approximately five minutes.

PO Vucetaj did not know if § 87(2)(b) and § 87(2)(b) interacted with any other officers at the stationhouse. Because it was the end of a tour there were many officers coming and going in the stationhouse, and it was possible that § 87(2)(b) and § 87(2)(b) spoke to one of them; however, PO Vucetaj did not recall them doing so. § 87(2)(b) and § 87(2)(b) never requested to file a civilian complaint at the precinct.

Attempts to Contact Additional Witness Officers

The investigation was unable to interview PO Rodriguez because he resigned from service on September 2, 2008 (encl. 25f).

Communication Records

SPRINT Records

The SPRINT records from July 19, 2008 (encl. 18a-18c) show that at 2:44 PM, § 87(2)(b) called 911 saying he was at an auto shop. At 2:49 PM, central reported a discourteous male black and female black in front of Great Bear Auto Centers. At 2:50 PM, a retired member of service named Benny called 911. At 3:51PM, Sector B of the 48th precinct corrected a non-crime.

911 Recording

The 911 call recording (encl. 11) documents the following. At 2:44 PM, § 87(2)(b) called 911, provided his last name and telephone number, and explained that the mechanic will refusing to release § 87(2)(b) car unless she paid a fee to which she had never agreed. At 2:54 PM, a male caller identifying himself as a retired member of service named Benny called 911 requesting that police officers respond to a dispute taking place at a Great Bear Auto Center located at 2180 Webster Avenue. Benny stated that a black male and a black female were attempting to take their car without paying their bill. Benny provided his telephone number.

Police Department Documents

48th Precinct Roll Call

The roll call for July 19, 2008 (encl. 19a-19d) shows that PO Carvajal and PO Rodriguez were assigned to sector B in RMP 1911. Sgt. Mills was assigned as the desk officer. The roll call also notes that PO Vucetaj was assigned to an impact post but that he received a tour change.

48th Precinct Command Log

The command log from July 19, 2008 (encl. 20a-20j) does not record § 87(2)(b) and § 87(2)(b)'s visit to the stationhouse.

Criminal Court Summons

PO Carvajal issued summons number § 87(2)(b) to § 87(2)(b). While the copy of the front of the summons obtained from the police department (encl. 12a) is unreadable, the copy provided by § 87(2)(b) (encl.8d) documents that the summons was issued for § 87(2)(a) 160.50. There is a note on the copy of the back of the summons obtained from the police department (encl.12b) which states that § 87(2)(b) threatened to "break" PO Carvajal's face and that she referred to PO Carvajal as a "fucking bitch." The note also states the § 87(2)(b) said that her § 87(2)(b) was a § 87(2)(b) and that she intended to file a CCRB complaint against PO Carvajal.

Notice of Claim Inquiry

The office of the comptroller has no records of a notice of claim relating to this incident (encl. 21)

Disposition of Summons

The summons issued to § 87(2)(b) was dismissed (encl. 23f).

Officer CCRB History

Neither PO Carvajal nor PO Vucetaj have any CCRB allegations substantiated against them (encl. 3a-3c).

Civilian Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Conclusions and Recommendations

Officer Identification

Statements and documentary evidence confirmed the involvement of PO Carvajal, PO Vucetaj, and Sgt. Mills. § 87(2)(g)

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§ 87(2)(g)
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Undisputed Facts

It is undisputed that § 87(2)(b) was dissatisfied with PO Carvajal's handling of the situation and tried several times to contact her § 87(2)(b) a police officer, to seek his intervention. It is undisputed that PO Carvajal asked § 87(2)(b) for her identification and issued her a summons. It is undisputed that § 87(2)(b) and § 87(2)(b) never told PO Carvajal that they could not read the summons. It is undisputed that § 87(2)(b) and § 87(2)(b) asked PO Vucetaj for PO Carvajal's name and shield number. It is undisputed that Sgt. Mills intervened and interacted with § 87(2)(b) and § 87(2)(b) while they were trying to file a complaint with PO Vucetaj.

Disputed Facts

§ 87(2)(g)

Assessment of Evidence

According to § 87(2)(b) PO Carvajal asked her for identification after § 87(2)(b) had walked away from the officer's car two times. In both instances § 87(2)(b) indicated she tried to explain the situation to PO Carvajal, who was uninterested in her PBA card and reasoning, and also gave § 87(2)(b) an unintelligible "analogy." In both instances, she then tried to call her § 87(2)(b) the police officer but was unable to reach him. She also noted that she was walking back towards the mechanic shop when PO Carvajal asked her for identification and threatened to arrest her when § 87(2)(b) asked why the officer wanted her ID.

§ 87(2)(b) indicated he was exiting the mechanic shop after having paid the \$40 when he heard PO Carvajal say to PO Rodriguez "I should lock her up." He then approached § 87(2)(b) to advise her of the officer's threat when PO Carvajal approached § 87(2)(b) and asked her for identification. § 87(2)(b) never alleged that PO Carvajal ever said to § 87(2)(b) that he would arrest her.

PO Carvajal on the other hand stated that after PO Carvajal directed § 87(2)(b) to leave, she told § 87(2)(b) she could be arrested for theft of service if she took her car without paying the fee. She then decided to issue § 87(2)(b) a summons for § 87(2)(b) because she did not leave. PO Carvajal had to repeatedly ask § 87(2)(b) for identification. However, she denied threatening to arrest her.

§ 87(2)(g)

§ 87(2)(g) According to both § 87(2)(b) and § 87(2)(b) Fraser, PO Carvajal told § 87(2)(b) the information was on the summons. It was only after PO Carvajal left the location of the incident, that the civilians discovered they could not read her name because it was printed too lightly. PO Carvajal maintained she told § 87(2)(b) "aloud" her name and shield number after she issued the summons.

§ 87(2)(g)

§ 87(2)(b) However, by the time § 87(2)(b) Fraser filled out a written complaint, he had obtained PO Carvajal's name, which according to PO Vucetaj he had PO Carvajal write on a piece of paper..

Allegation A. PO Oliva Carvajal Threatened to Arrest § 87(2)(b)

§ 87(2)(g)

Allegation B. PO Oliva Carvajal Refused to Provide Her Name and Shield Number to § 87(2)(b)

According to patrol guide procedure 203-09 (encl. 2), an officer must clearly state his or her name and shield number “or otherwise provide them” to any individual who requests them. According to § 87(2)(b) (encl. 8a-8h), PO Carvajal did not state her name and shield number upon request; however, PO Carvajal did say that that information was on the summons. § 87(2)(b) stated (encl. 10a-10e) that he and § 87(2)(b) could not read PO Carvajal’s identifying information from the summons because those sections were written too lightly to be read. Both § 87(2)(b) and § 87(2)(b) stated that they did not inform PO Carvajal that they could not read the summons, and therefore, PO Carvajal had no way of knowing that she had written too lightly. To her knowledge, PO Carvajal had been in compliance with the phrase “or otherwise provide them” in the above mentioned patrol guide procedure. § 87(2)(g)

Allegation C. PO Bekim Vucetaj Refused to Process § 87(2)(b) Complaint against an Officer

When § 87(2)(b) and § 87(2)(b) arrived at the 48th precinct stationhouse they asked PO Vucetaj for PO Carvajal’s name. According to § 87(2)(b) (encl. 8a-8h) and § 87(2)(b) (encl. 10a-10e), § 87(2)(b) also requested to file a civilian complaint at that time. On the other hand, PO Vucetaj stated (encl. 17a-17b) that § 87(2)(b) asked for the CCRB telephone number. By all accounts, Sgt. Mills told § 87(2)(b) and § 87(2)(b) to leave the precinct before they were ready to leave on their own. § 87(2)(g)

Allegation D. Sgt. Juanita Mills Refused to Process § 87(2)(b) Complaint against an Officer

In his initial complaint (encl. 5a-5b) § 87(2)(b) alleged that Sgt. Mills was responsible for interrupting his and § 87(2)(b) interaction with PO Vucetaj. § 87(2)(g) By all accounts, § 87(2)(b) was being disruptive while at the 48th precinct stationhouse. PO Vucetaj stated (encl. 1a-17b) that § 87(2)(b) repeatedly said that her § 87(2)(b) was a police officers. § 87(2)(b) and § 87(2)(b) corroborated this account. § 87(2)(b) and § 87(2)(b) also stated that § 87(2)(b) demanded from PO Vucetaj PO Carvajal’s shield number, information which PO Vucetaj was not required to provide. § 87(2)(g)

Investigator:
Chanan Berkovits
Supervisor:
Reviewed by:
Reviewed by:

Date: March 16, 2009
Date:
Date:
Date: